

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 19 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Part 90 of the) PR Docket No. 89-552
Commission's Rules to Provide)
for the Use of the 220-222 MHz Band)
by the Private Land Mobile)
Service)

Implementation of Sections 3(n) and 332)
of the Communications Act) GN Docket No. 93-252
)

Implementation of Section 309(j) of the)
Communications Act - Competitive) PP Docket No. 93-253
Bidding, 220-222 MHz)

To: The Commission

DOCKET FILE COPY ORIGINAL

**COMMENTS
OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),¹
pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R.
§1.415, respectfully submits its Comments in response to the Fourth

¹PCIA is an international trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, PCIA is the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, 800 MHz General Category frequencies for Business eligibles and conventional SMR systems, and for the 929 MHz paging frequencies.

Notice of Proposed Rule Making ("Fourth NPRM") in the above-captioned proceeding.²

I. BACKGROUND

On August 28, 1995, the Commission issued a Second Memorandum Opinion and Order and Third Notice of Proposed Rulemaking. The Third Notice concerns newly proposed rules for the 220-222 MHz band. The Comment Date specified by the Commission is September 28, 1995.

On August 29, 1995, the Commission issued a Fourth Notice of Proposed Rulemaking. The Fourth Notice concerns newly proposed rules for modifications of existing systems in the 220-222 MHz band. The Comment Date specified by the Commission is September 13, 1995.³

II. COMMENTS

In these Comments, PCIA will discuss the Commission's main proposal, which is to utilize the licensee's original service as a means to determine the distance in which the licensee can move. PCIA intends to supplement the record with additional Comments in

²60 FR 46566 (September 7, 1995).

³PCIA requested an extension of time to file Comments and Reply Comments in this proceeding, which was denied by the Commission. The 220 MHz industry has waited four years for the Commission to issue a proposal for modifications of existing licensees, therefore it is unclear why the Commission could not wait an additional thirty (30) days to receive Comments on the proposal; particularly in light of the Commission's provision of only fifteen (15) days for Comments (half of the usual period in addition to the intervening holiday). As a result, PCIA will continue to pursue the issues in this proceeding with its various membership Councils and may modify or supplement its Comments at a later date.

the near future on the more technical issues presented by the Commission in this proceeding.

In general, PCIA supports the concept of the Fourth NPRM. The proposal is designed to provide a means by which initial "Phase I" 220-222 MHz licensees, unable to gain access to their proposed transmitter sites, can modify their licensees and construct their systems prior to the licensing of "Phase II" systems.

Although PCIA supports the concept of the Fourth NPRM, PCIA is sensitive to the concern that system operators have the opportunity to fill in unserved areas which resulted from the manner in which Phase I licensing was initiated. PCIA intends to explore this issue fully in response to the Third Notice of Proposed Rule Making. However, the Fourth NPRM is intended to enable construction of initial systems, and PCIA comments on that proposal in this light.

PCIA agrees that the utilization of system contours is a valid means by which to permit initial licensees to modify their systems for initial construction.⁴ This is consistent with the Commission's policy for the 800 MHz SMR Pool "freeze" as well as 47 C.F.R. §90.621. However, PCIA disagrees with the use of **service** contours as the standard.

It is the Commission's expressed desire in the Fourth NPRM to prevent initial licensees from moving to different coverage areas and creating mutually exclusive situations with other applicants.

⁴PCIA reserves comment on whether the Commission's use of 38 dBμ V/m contour is appropriate until a more complete technical review can be performed.

Such modifications may also further restrict currently available spectrum which the Commission wishes to auction in the Third NPRM portion of this proceeding. However, use of service area contours is unrealistically restrictive, without a rational basis. PCIA believes at this time that the use of the 28 dB μ V/m **interference** contour is a more appropriate standard for this proceeding.

Under the FCC's service contour proposal, a modification of even a small distance, with the same ERP and HAAT, would result in a shift of the service contour causing violation of the proposed rule. In the 800 MHz band, licensees may simply reduce their ERP to prevent the overlap. However, in the 800 MHz band, most licensees are licensed for 1000 watts ERP. In the 220 MHz band, licensees have a much lower maximum ERP. As a result, there is little flexibility for ERP reduction while maintaining a viable system. The use of an interference contour instead of a service contour would minimize this problem, while at the same time achieving the Commission's goals.

If the Commission utilizes an interference contour for its standard, PCIA would not at this time oppose a requirement that the licensee continue to serve at least 50% of the original **service** contour. However, utilizing the **service** contour for the modification standard will almost preclude any modifications whatsoever, since most licensees would need to reduce their ERP so significantly that the service coverage could not serve 50% of the original service area.

II. CONCLUSION

For the foregoing reasons, PCIA urges the Commission to modify its proposed rules to permit initial 220-222 MHz licensees to modify their systems using an interference contour standard.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

By: 

Mark J. Golden
Vice President
Industry Affairs
Personal Communications
Industry Association
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036
(202) 467-4770

By: 

Alan S. Tilles, Esquire
David E. Weisman, Esquire
Meyer, Faller, Weisman and
Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015
(202) 362-1100

Date: September 13, 1995